

OFFICIAL COPY

Fresno, California

May 8, 2001

The City Council met as the Redevelopment Agency at the hour of 8:32 a.m. in the Council Chambers, City Hall, on the day above written, and convened shortly thereafter as the City Council in regular session.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Brad Castillo	Councilmember
	Sal Quintero	Councilmember
	Henry Perea	Council President
Absent:	Jerry Duncan	Councilmember (Out of town on City business)
	Dan Ronquillo	Acting Council President (Out of town on City business in the morning, present for the 2:00 p.m. matter)

Dan Hobbs, City Manager
Dan Fitzpatrick, Agency Executive Director
Hilda Cantu Montoy, City Attorney
Rebecca Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

(8:30 A.M.) REGULAR MEETING OF THE REDEVELOPMENT AGENCY

APPROVE AGENCY MINUTES OF MAY 1, 2001

On motion of Member Quintero, seconded by Member Boyajian, duly carried, RESOLVED, the Agency minutes of May 1, 2001, approved as submitted.

(“A”) HEARING TO CONSIDER A RESOLUTION OF NECESSITY FOR THE ACQUISITION OF PROPERTY AT 232 N. VALERIA (APN 459-262-22) OWNED BY DALE AND VANGI KIRKPATRICK; PROPERTY AT 224 N. HOWARD (APN 459-264-18) OWNED BY HELEN AGAJANIAN AND GEORGE NOROIAN JR; AND PROPERTY AT 236 N. HOWARD (APN 459-264-20) OWNED BY JANE A. HIGGINS AND HENRY S. AND DOROTHY L. SLINKARD, TO COMPLETE SITE ASSEMBLY FOR THE PROPOSED REGIONAL MEDICAL CENTER (*AGENCY ACTION*)

- 1. AGENCY RESOLUTION - DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE ACQUISITION OF PROPERTY AND AUTHORIZING EMINENT DOMAIN PROCEEDINGS FOR PUBLIC USE AND PURPOSE**
- 2. APPEARANCE BY DALE KIRKPATRICK TO DISCUSS THE UPDATED APPRAISAL ON HIS PROPERTY AT 232 N. VALERIA**

Vice Chair Castillo announced the time had arrived to consider the issue and opened the hearing. Redevelopment Administrator Murphey advised eminent domain action required five affirmative votes to adopt the resolution and recommended the hearing be continued one week.

Upon call, no one wished to be heard and Vice Chair Castillo closed the hearing.

On motion of Member Perea, seconded by Member Quintero, duly carried, RESOLVED, the hearing to consider the resolution of necessity to acquire properties to complete site assembly for the Regional Medical Center continued to May 15, 2001, at 8:30 a.m., by the following vote:

Ayes	:	Boyajian, Perea, Quintero, Castillo
Noes	:	None
Absent	:	Duncan, Ronquillo
Abstain	:	Calhoun

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The Redevelopment Agency adjourned their meeting at 8:35 a.m. and the City Council convened in regular session at 9:00 a.m.

President Perea announced Councilmembers Duncan and Ronquillo were in Washington D.C. and Sacramento respectively on official City business.

Pastor James Chatman, Valley Vineyard Church, gave the invocation, and the Principal of Tioga Middle School led the Pledge of Allegiance to the Flag.

PROCLAMATION OF “FOSTER GRANDPARENT PROGRAM DAY” - ACTING PRESIDENT RONQUILLO

PROCLAMATION OF “OLDER AMERICANS MONTH” - COUNCILMEMBER QUINTERO

PROCLAMATION OF “CHILD CARE PROVIDER APPRECIATION DAY”

CERTIFICATES OF APPRECIATION TO STUDENTS OF THE QUARTER - COUNCILMEMBER CASTILLO

PROCLAMATION OF “DAY OF THE TEACHER” - COUNCILMEMBER CALHOUN

PROCLAMATION OF “VETERANS APPRECIATION MONTH”

CERTIFICATES OF APPRECIATION TO STUDENTS OF THE QUARTER - PRESIDENT PEREA

RESOLUTION OF COMMENDATION TO VIDA EN EL VALLE

The above proclamations, resolutions and certificates were read and presented.

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APPROVE MINUTES:

On motion of Councilmember Quintero, seconded by Councilmember Castillo, duly carried, RESOLVED, the minutes of May 1, 2001, approved as submitted.

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APPROVE AGENDA:

On motion of Councilmember Quintero, seconded by Councilmember Castillo, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Quintero, Perea
Noes	:	None
Absent	:	Duncan, Ronquillo

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ADOPT CONSENT CALENDAR:

(1A-1) * RESOLUTION NO. 01-149 - 135TH AMENDMENT TO AAR 00-183 PROVIDING ADDITIONAL OPERATING FUNDS FOR THE FRESNO CONVENTION CENTER **(DISCUSSED LATER IN THE MEETING)*

(1A-2) APPROVE THE SECOND AMENDMENT TO THE LEASE WITH HR, LLC, FOR A FIVE YEAR EXTENSION OF THE EXISTING LEASE FOR OFFICE SPACE UTILIZED JOINTLY BY THE POLICE DEPARTMENT AND THE SHERIFF'S OFFICE OPERATING AS THE FRESNO COUNTY NARCOTICS ENFORCEMENT REAM; AND AUTHORIZE THE POLICE CHIEF TO SIGN THE SECOND AMENDMENT TO THE LEASE ON BEHALF OF THE CITY

City Clerk Klisch advised of the following two corrections to Item 1A-2: on the 1st page of the staff report, third paragraph, correcting the cost for the Police Department's share of the lease to \$4,872, and on the 2nd page, Fiscal Impact, correcting the cost for the City's share of the lease over the five year term to \$306,240. So noted and corrected.

(1A-3) RESOLUTION NO. 01-150 - APPROVING THE SECOND AMENDMENT TO FUND TRANSFER AGREEMENT NO. 75A0045 WITH CALTRANS FOR RENOVATION OF THE SANTA FE RAILWAY STATION IN DOWNTOWN FRESNO; AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO SIGN THE AMENDMENT ON BEHALF OF THE CITY

(2 - 0) On motion of Councilmember Castillo, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Quintero, Perea
Noes	:	None
Absent	:	Duncan, Ronquillo

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REQUEST FOR STAFF TO SUBMIT REPORT ON MAY 15th ON PROGRESS OF NEGOTIATIONS WITH THE BUREAU OF RECLAMATION RELATIVE TO THE CITY'S 60,000 ACRE FEET OF WATER - PRESIDENT PEREA

Request made with City Attorney Montoy advising the simultaneous path of potential litigation would also be scheduled for closed session that date.

REQUEST STAFF TO SUBMIT REPORTS RELATIVE TO THE STADIUM PATH AS SOON AS POSSIBLE -
PRESIDENT PEREA

Request made. City Attorney Montoy advised an appeal was anticipated and if received, the matter would not be scheduled for next Tuesday as planned.

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(3A) * BILL NO. B-47 - ORDINANCE NO. 01-43 - AMENDING THE FRESNO MUNICIPAL CODE SECTION 4-504(a) RELATING TO LOCAL SALES TAX

A motion and second was made to adopt the ordinance.

Barbara Hunt, 944 “F” Street, spoke to the issue.

On motion of Councilmember Calhoun, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled Bill No. B-47 introduced and adopted as Ordinance No. 01-43, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Quintero, Perea
Noes	:	None
Absent	:	Duncan, Ronquillo

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(3B) RECEIVE AND AUTHORIZE THE ISSUANCE OF REPORT FROM STAFF DESCRIBING MEASURES TAKEN TO ALLEVIATE THE CONDITIONS WHICH LED TO THE ADOPTION OF INTERIM URGENCY ORDINANCE NO. 01-36 PROHIBITING APPROVAL OF LAND ENTITLEMENTS FOR AUTOMOBILE DEALERSHIPS PENDING COMPLETION AND ADOPTION OF ZONING ORDINANCES REQUIRING CUPs FOR ALL AUTOMOBILE DEALERSHIPS

Deputy City Attorney Slater reviewed the issue and staff report as submitted and responded to questions of Councilmembers Castillo and Calhoun relative to implementing the ordinance as part of the code and purpose of the requested action this date, and clarified the hearing scheduled for next week was to extend the interim ordinance.

Barbara Hunt, 944 “F” Street, spoke in opposition.

On motion of Councilmember Calhoun, seconded by Councilmember Castillo, duly carried, RESOLVED, the written report describing the measures taken to alleviate the conditions which led to the adoption of Ordinance No. 01-36 hereby issued in compliance with the Government Code, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Quintero, Perea
Noes	:	None
Absent	:	Duncan, Ronquillo

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(5A) REQUEST COUNCIL TO ACCEPT RECOMMENDATIONS PRESENTED IN THE FRESNO COG RAIL COMMITTEE MAY 8TH REPORT SUBMITTED BY COMMITTEE REPRESENTATIVE - COUNCILMEMBER CALHOUN

Councilmember Calhoun, as the Mayor’s representative to the committee, advised a major portion of a recent meeting dealt with the issue of high speed rail and its passing through Fresno and elaborated, urged Council to support the committee’s recommendations stating discussions needed to begin on land acquisition, made a motion to accept the recommendations outlined in his report to Council, and responded to questions of Councilmembers Castillo and Quintero relative to what other cities along the proposed corridor were doing on land acquisition, if moving ahead of schedule obligated the City financially, and if there were any legal concerns with accepting the recommendations. City Attorney Montoy clarified by accepting the recommendations Council would only be selecting a conceptual path.

Barbara Hunt, 944 “F” Street, spoke to the issue. Councilmember Castillo briefly left the meeting at 10:08 a.m.

On motion of Councilmember Calhoun, seconded by President Perea, duly carried, RESOLVED, (1) the May 15, 2000, *COG Official Comments on the HSRA Draft Business Plan* (Technology, Financing, Farmland Impacts, Level of Service, Freight Capability, Growth and Economic Impacts, Station Location and Alignment, *to include rail consolidation*), hereby accepted; (2) the April 27, 2001, Fresno COG Rail Committee decision to locate the passenger station for high speed rail in downtown Fresno along the existing Union Pacific rail alignment accepted; and (3) City and Redevelopment Agency staff instructed to include in the 2025 Fresno General Plan and other City plans adequate land for a rail station, parking and other intermodal transportation along the existing Union Pacific Rail alignment, by the following vote:

Ayes	:	Boyajian, Calhoun, Quintero, Perea
Noes	:	None
Absent	:	Castillo, Duncan, Ronquillo

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(10:00 A.M.) HEARING ON CITY OF FRESNO COMMUNITY FACILITIES DISTRICT (CFD) NO. 2, ANNEXATION NO. 27, TRACT NOS. 4964 AND 4995

- 1. RESOLUTION NO. 01-151 - ANNEXING TERRITORY TO CFD NO. 2 AND AUTHORIZING THE LEVY OF A SPECIAL TAX**
- 2. RESOLUTION NO. 01-152 - CALLING SPECIAL MAILED -BALLOT ELECTION**
- 3. RESOLUTION NO. 01-153 - DECLARING ELECTION RESULTS**
- 4. * BILL NO. B-48 - ORDINANCE NO. 01-44 - LEVYING A SPECIAL TAX FOR THE PROPERTY TAX YEAR 2001-2002 AND FUTURE TAX YEARS WITHIN AND RELATING TO CFD NO. 2, ANNEXATION NO. 27**

President Perea announced the time had arrived to consider the issue and opened the hearing. City Engineer Salazar gave a brief overview and recommended approval of the resolutions and ordinance bill. Councilmember Castillo returned at 10:10 a.m. A motion and second was made to approve staff’s recommendation.

Barbara Hunt, 944 “F” Street, spoke in opposition.

Upon call, no one else wished to be heard and President Perea closed the hearing.

On motion of Councilmember Quintero, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled Resolution Nos. 01-151, 01-152, and 01-153 hereby adopted, and the above entitled Bill No. B-48 introduced and adopted as Ordinance No. 01-44, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Quintero, Perea
Noes	:	None
Absent	:	Duncan, Ronquillo

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(10:15 A.M.) HEARING ON REZONING APPLICATION NO. R-01-012 AND ENVIRONMENTAL FINDINGS, FILED BY AARON LUCAS, PROPERTY LOCATED ON THE SOUTH SIDE OF E. BUTLER BETWEEN S. EIGHTH AND S. NINTH STREETS

- 1. CONSIDER AND ADOPT CATEGORICAL EXEMPTION FOR E.A. NO. R-01-012, DATED MARCH 30, 2001**
- 2. BILL - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-P TO C-P**

President Perea announced the time had arrived to consider the issue and opened the hearing. Planning Manager Beach clarified only the rezoning request was at this issue this date and not the related problematic group home; reviewed the staff report as submitted and related issues; and recommended the rezone be denied due to the intensified use. Prior to a presentation by the police department, City Attorney Montoy reminded Council the only matter at issue was the rezone and advised against getting into the details of code enforcement due to ADA and group home issues, whereupon Police Lt. Maroney withdrew their request to speak.

Speaking to the issue were: Barbara Hunt, 944 "F" Street; and Applicant Aaron Lucas, who stated he was confused with the opposition, spoke in support of his group home, questioned what the issues of concern were, and submitted a petition containing signatures of residents who were not opposed to the rezoning request, a copy of which is on file in the office of the City Clerk. In response to Mr. Lucas' question, Mr. Beach reviewed the issue and reasons for staff's recommendation to deny.

Upon call, no one else wished to be heard and President Perea closed the public testimony portion of the hearing.

A motion and second was made to deny the rezone, which was acted upon after discussion. Councilmember Quintero, Mr. Beach, Mr. Lucas and Ms. Montoy responded to questions and/or comments of Councilmembers Calhoun, Boyajian and Castillo and/or clarified issues relative to whether the existing use was currently illegal, how long the home had been operating illegally, **(3 - 0)** the proper procedure the applicant should have undertaken, how staff became aware of the issue and how long it takes for the City to take action, if the applicant had the proper licensing, need for guidelines for such uses, and if the applicant could continue operating the home with a reduced occupancy.

On motion of Councilmember Quintero, seconded by Councilmember Calhoun, duly carried, RESOLVED, Rezoning Application No R-01-012 proposing to reclassify the subject property to C-P denied, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Quintero, Perea
Noes	:	None
Absent	:	Duncan, Ronquillo

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AND REVENUE ANTICIPATION NOTES (TRANS)

Assistant City Manager Souza gave a brief overview of the issue and clarified issues and responded to questions of President Perea and Councilmember Boyajian relative to borrowing funds upfront and repaying them when property taxes come due, amount being borrowed, the moneys being used for general city operations, consequence if revenues do not come in as anticipated, if these funds could be used for matters that were not funded last year, and the process in issuing bonds.

Barbara Hunt, 944 “F” Street, spoke in opposition.

City Clerk Klisch stated for the record Council had received an amended resolution for adoption.

On motion of Councilmember Boyajian, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled Resolution No. 01-154 hereby adopted, and the City Manager, Controller and City Clerk authorized to execute the appropriate documents, including the Official Statement, Note Purchase Agreement, and other documents as necessary to issue the TRANS, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Quintero, Perea
Noes	:	None
Absent	:	Duncan, Ronquillo

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(10:45 A.M.) STATUS OF THE KINGS CANYON ROAD UNDERGROUND UTILITY DISTRICT - COUNCILMEMBER QUINTERO

1. APPROVE NEW THREE YEAR UNDERGROUND UTILITY DISTRICT PLAN

On motion of Councilmember Quintero, seconded by Councilmember Calhoun, duly carried, RESOLVED, the revised Three-Year Underground Utility District Plan hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Quintero, Perea
Noes	:	None
Absent	:	Duncan, Ronquillo

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UNSCHEDULED ORAL COMMUNICATIONS:

APPEARANCE BY ERIN OULD, 5624 N. THORNE, REGARDING NEED TO REPLACE AND/OR REMOVE OLD/UNATTRACTIVE NEIGHBORHOOD WATCH SIGNS AND “WARNING” SIGNS IN NEIGHBORHOODS AND ON BUSINESSES

Appearance made, discussion ensued, and City Manager Hobbs stated he would direct staff to conduct an assessment and report back on the issue. There was no further discussion.

with a special assistant to President Bush this date relative to Fresno's summit report and was hopeful President Bush would visit Fresno during his California visit in a couple of months.

APPEARANCE BY BARBARA HUNT, 944 "F" STREET, EXPRESSING CONCERN WITH THE VARIOUS USES OF TAXPAYER DOLLARS

Appearance made; no action taken.

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(1A-1) REQUEST TO RECONSIDER *RESOLUTION NO. 01-149 - 135TH AMENDMENT TO AAR 00-183 PROVIDING ADDITIONAL OPERATING FUNDS FOR THE FRESNO CONVENTION CENTER

On motion of Councilmember Boyajian, seconded by Councilmember Calhoun, duly carried, RESOLVED, reconsideration of Item **1A-1** hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Quintero, Perea
Noes	:	None
Absent	:	Duncan, Ronquillo

City Manager Hobbs and Assistant City Manager Souza responded to questions of Councilmember Boyajian relative to whether the retained earning account was the funding source (and not the general fund), if the convention center was being utilized more and if that was a good thing, and what other uses convention center revenues could be used for. There was no further discussion.

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RECESS - 11:09 A.M. - 11:25 A.M.

(4A) CLOSED SESSION: (HELD AGAIN AT THE END OF THE MEETING)

(2) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (b) - SIGNIFICANT EXPOSURE TO LITIGATION:

- a. SAM BARRIS MEMORIAL CHILDREN'S CHARITIES V. COF
- b. CLAIM OF CLARENCE TILMON

(3) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (a) - CASE NAMES:

- a. ANDREA NEVILLE, ET AL. V. COF, ET AL.
- b. VELLUTINI CORP. V. COF

The Council met in closed session in Room 2125 at the hour of 11:25 a.m. to consider the above issues and adjourned for lunch thereafter.

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(2:00 P.M.) MAYOR AND COUNCIL DISCUSSION OF FRESNO 'S TEN PRIORITIES (*MEETING ROOM "A"*)
1. REQUEST CITY MANAGER TO HAVE STAFF INITIATE ACTION PLANS ON THE PRIORITIES

(4 - 0) Mayor Autry gave an overview of the issue and gave credit to City Manager Hobbs for his suggestion to establish priorities for the city, pointed out this discussion was the beginning stage of establishing Fresno's priorities and added different ones could and probably would "pop up" as times changed and went by adding for that reason they would not be ranked, and opened up discussion.

City Manager Hobbs commented on the need to set priorities to move Fresno forward, advised the priorities identified would be assigned to appropriate department directors to develop action plans and once the plans were on the table the City would then have a Strategic Plan, and concluded pointing out the issues of Downtown and Urban Core Revitalization, Economic Development and Water/Air Quality made the Mayor's, Council's and combined lists, whereupon it was later pointed out Energy also made all three lists.

Councilmember Boyajian identified economic development/jobs, downtown revitalization, reaching out to the community and infrastructure improvements as his priorities. Acting President Ronquillo concurred time needed to be spent re-prioritizing priorities with funding applied that was actually affordable, and spoke in support of fully built out and completed business and industrial parks and the need to bring in real dollars from tax increment in the future. Councilmember Calhoun stated the role and basic needs of the city (such as water and safety) needed to be looked at and satisfied first and move forward from there, and spoke to the importance of rail consolidation, finances/UGM fees, infrastructure, and beautification.

Mr. Hobbs responded to questions of Councilmember Castillo relative to the success of this program in another city, and how it would be determined when goals had been met and when work would end. Councilmember Castillo emphasized timelines were important and he wanted to see dates in the action plans. Councilmember Quintero stated he did not feel everything would ever be finished and explained; noted the other priorities identified on the lists (besides the top four) could all be subtitles to the top four; stated the lack of funds was a reality and the business community needed to be included; and added actual dollars needed to be attached to priorities and an implementation plan using available resources laid out.

Mayor Autry concurred with Councilmember Calhoun on the importance of meeting the basic needs of human life; emphasized the City needed to find new ways to solve problems that had been around a long time; noted the City could not afford to bring in any more police officers as there were no matching funds and stated continually adding additional police officers was not the answer to controlling crime emphasizing criminals were created long before their first crime; and recommended "Youth Recreation Services" be changed to "Youth Investment" and explained.

Acting President Ronquillo commented on creating public value and leaving a positive impression of the City, and Councilmember Boyajian emphasized more jobs, youth services and stronger neighborhoods would reduce crime and concurred and the City needed to find ways of creating revenues.

freeways back to neighborhoods; noted the stabilization of police and fire was a major issue **(5 - 0)** and crime and youth were connected; stated the City did not do enough for seniors and needed to make a commitment to senior issues; noted air quality was tied closely to economic development and explained; and stated a major threat now to the community was water and the water meter issue needed to come back for discussion adding some issues were leadership issues – not budget issues.

Speaking to the issue and offering their assistance were Stebbins Dean, Chamber of Commerce, 2331 Fresno Street; and Octavia Diener, MOVE Team representative.

Brief discussion ensued on youth investment/public safety, and Councilmember Quintero stated city employees were a valuable resource in making contributions toward this effort and explained. City Infrastructure and Public Safety/Youth Investment/Education were added to the list along with the other four top priorities.

Barbara Hunt, 944 “F” Street, spoke to the various priorities; and Gloria Torrez stated her priorities were public transportation and economic development/jobs.

By Council consensus, the City Manager was requested to direct staff to initiate action plans on the following identified priorities: Downtown and Urban Core Revitalization, Economic Development, Water/Air Quality, Energy/Power Generation, City Infrastructure, and Public Safety/Youth Investment/Education.

There was no further discussion.

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RECESS - 3:26 P.M. - 3:37 P.M.

(4A) CLOSED SESSION:

(1) CONFERENCE WITH LABOR NEGOTIATOR - GOVERNMENT CODE SECTION 54957.6 - EMPLOYEE ORGANIZATIONS: FRESNO CITY EMPLOYEES ASSOCIATION (FCEA); AMALGAMATED TRANSIT UNION, LOCAL 1027 (ATU); AND FRESNO AIRPORT PEACE OFFICERS/FIREFIGHTERS ASSOCIATION (FAPOFA)

The Council met in closed session in Room 2125 at the hour of 3:37 p.m. to consider the above issue and adjourned thereafter.

(4) CONFERENCE WITH LEGAL COUNSEL - DECIDING WHETHER TO INITIATE LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (c) - CASE NAME: CITY OF FRESNO V. CITY OF CLOVIS, COUNTY OF FRESNO AND LAFCO - PRESIDENT PEREA

Laid over one week.

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There being no further business to bring before the Council, the hour of 3:45 p.m. having arrived and hearing no objections, President Perea declared the meeting adjourned.

APPROVED on the 15th day of May, 2001.

ATTEST:_____

Henry Perea, Council President

Yolanda Salazar, Assistant City Clerk